

REMARKS

Claims 1, 8-10, 17-20, 23, 24, 28-33 and 35-105 are currently pending. All of these claims were rejected in a non-final Office Action mailed November 12, 2008. Claims 1, 17, 28, 33, 35, 38, 40-52, 64, 76, 86, and 96 are amended herein. No claims are cancelled, and no claims are added. No new matter is added by way of this amendment. After entry of the instant response to the Office Action, Claims 1, 8-10, 17-20, 23, 24, 28-33 and 35-105 will be pending.

Claim Rejections - 35 U.S.C. § 101

Claims 40-51 and 76-85 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. In response, Claims 40-51 are amended herein to at least recite “Logic executing on an invitee client device.” Support for these amendments can be found throughout the application as originally filed, including on page 6, lines 10-31. Thus amended, Claims 40-51 include a hardware element (a device) and are therefore directed to statutory subject matter. Accordingly, withdrawal of the rejection of Claims 40-51 under 35 U.S.C. § 101 is requested.

Similarly, Claim 76 is amended to at least recite “an inviter client device.” Support for this amendment can be found throughout the application as originally filed, including on page 6, lines 10-31. Thus amended, Claim 76 includes a hardware element (a device) and is therefore directed to statutory subject matter. Further, because they depend from amended Claim 76, Claims 77-85 are also now directed to statutory subject matter. Accordingly, the withdrawal of the rejection of Claims 76-85 under 35 U.S.C. § 101 is also requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 8-10, 17-20, 23-24, 28-33, and 35-105 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Danieli et al., U.S. Patent No. 7,240,093 B1 (hereinafter “Danieli”) in view of Beuk et al., U.S. Patent No. 5,774,673 (hereinafter “Beuk”).

To further distinguish the claimed invention over the prior art, and to expedite prosecution, independent Claims 1, 17, 28, 33, 35, 38, 40, 52, 64, 76, 86, and 96 are amended herein. These amendments add a further limitation that the data used to initiate joining a game is

created by a game client. For example, amended Claim 1 at least recites “logic to couple a game client to a messenger client to allow the game client to create and send to the messenger client data used to initiate joining a game.” Support for these amendments can be found throughout the application as originally filed, including on page 3, line 25 to page 4, line 3, and on page 13, lines 18-27.

Danieli fails to suggest a “game client to create and send to the messenger client data used to initiate joining a game” as taught by amended Claim 1. Instead, Danieli describes a system in which the player hosting a game selects “other players in their contact list to invite to join the chat session” prior to launching a game (col. 3, lines 45-50). However, this invitation discussed by Danieli contains data from the contact list of the host player’s chat session (i.e., data created by a **messenger client**) instead of data created by a **game client** as taught by amended Claim 1. Moreover, this initial invitation is merely to “join a chat session” and does not carry the claimed data used to initiate joining a game. Further, although Danieli mentions that the host player “can automatically launch an instance of the selected game on each of the players’ computers” (col. 4, lines 3-8), Danieli does not appear to discuss the creation of the data used to launch these game instances, and thus does not suggest that data used to initiate joining a game is created by a game client as taught by amended Claim 1. In fact, because Danieli’s host player issues a “single command” (Abstract) to launch the “selected game on **each** of the players’ computers” only after players have joined the chat session and “agree[d] on a game they would like to play,” (col. 3, lines 62-67), Danieli’s game is not executing prior to sending the command to launch the game on each of the players’ computers and thus cannot create data used to initiate joining the game, as taught by amended Claim 1.

Moreover, Beuk also fails to suggest the claimed “game client to create and send to the messenger client data used to initiate joining a game” of amended Claim 1. Instead, Beuk describes a system in which a first apparatus sends a message (“broadcast frame”) to other apparatuses which then join a common communications channel and execute an application (col 2, line 54 - col. 3, line 26). Because the broadcast frame message discussed by Beuk is sent before the first apparatus launches the application (col. 3, lines 8-9), Beuk does not suggest the claimed data created by a game client and used to initiate joining a game as taught by amended Claim 1. For at least these reasons, amended Claim 1 is not made obvious by the suggested combination of Danieli and Beuk. Accordingly, withdrawal of the rejection of Claim 1 under 35 U.S.C. § 103(a) is requested.

Amended Claims 17, 28, 33, 35, 38, 40, 52, 64, 76, 86, and 96 claim similar, albeit different, elements to those of amended Claim 1. Therefore, for at least the reasons discussed herein, these claims also are not obvious in view of the suggested combination of Danieli and Beuk. Accordingly, withdrawal of the rejection of Claims 17, 28, 33, 35, 38, 40, 52, 64, 76, 86, and 96 under 35 U.S.C. § 103(a) is requested.

So far as dependent Claims 8-10, 18-20, 23-24, 29-32, and 36-37, 39, 41-51, 53-63, 65-75, 77-85, 87-95, and 97-105 respectively depend from amended Claims 1, 17, 28, 33, 35, 38, 40, 52, 64, 76, 86, and 96, the remarks herein apply to these dependent claims as well. Thus, it is submitted that these claims are also not obvious in view of the suggested combination of Danieli and Beuk. Accordingly, withdrawal of the rejection of Claims 8-10, 18-20, 23-24, 29-32, and 36-37, 39, 41-51, 53-63, 65-75, 77-85, 87-95, and 97-105 under 35 U.S.C. § 103(a) is also requested.

Double Patenting Rejections

Claims 1, 17 and 33 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 and 13 of Kirmse et al., U.S. Patent No. 6,699,125 (hereinafter "Kirmse"). It is submitted that these rejections are moot in light of the amendments made herein to Claims 1, 17 and 33.

Specifically, Claims 1 and 13 of Kirmse fail to disclose or suggest a "game client to create and send to the messenger client data used to initiate joining a game" as taught by amended Claim 1 of the instant application. Claims 1 and 13 of Kirmse also fail to disclose or suggest "data created by the inviter game client" as taught by amended Claims 17 and 33. Thus, amended Claims 1, 17, and 33 are not obvious and certainly not double patenting in view of Kirmse. Accordingly, withdrawal of the obviousness-type double patenting rejection of amended Claims 1, 17, and 33 is requested.

Conclusion

In view of the above amendment, the applicants' representative believes the pending application is in condition for allowance.

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Respectfully submitted,

By /Scott M. Tobias/
Scott Tobias
Registration No.: 62,808
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(206) 262-8922
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant